IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 559 OF 2005

IN

SUIT NO. 2058 OF 2005

Pratap Bhagwandas Kapadia
& Anr. .. Plaintiffs.

vs.

M/s. Shanti Investments
& Anr. .. Defendants.

Mr. Kiran Jain with Ms. Nita Solankhi
for plaintiffs.
Mr. R.M. Ashar for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 20th February, 2006.

P.C.

. The present suit is filed on bill of exchange Exhibit A to the plaint. The only defence raised by the defendants is that the plaintiff who is an advocate has misused the letter head and written admission letter dated 10.6.2005 Exhibit B to the plaint being admission of liability. Even if Exhibit B dated 10.6.2005 is ignored still the liability of the defendants is crystalised by

Exhibit A to the plaint which is the bill of exchange. It is contended that there is no consideration in respect of the execution of the bill of exchange Exhibit A. Consideration under the Negotiation Instruments Act, 1881 is presumed and no material is shown that the bill of exchange is signed without consideration. In the light of the aforesaid, there is no defence at all. The learned counsel for the plaintiffs has tendered the compilation of the original documents. The same are taken on record and marked Exhibit A collectively. Summons for judgment is made absolute accordingly. Decree as prayed. Refund of Court fee as per rules.